IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.556 OF 2004

The Commissioner of Income Tax .. Appellant.

V/s.

Hutatma Kisan Ahir SSK Ltd., .. Respondent.

Mr.B.M. Chatterjee with Mrs.P.P. Bhosale i/by Pankaj Kapoor for the appellant.

Mr.S.N. Inamdar with Mr.A.K. Jasani for the respondent.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 16TH JULY, 2007.

P.C. :

1. Admit. Heard forthwith.

2. The issue in this appeal is covered by the judgment of the Supreme Court in the case of Siddheshwar Sahakari Sakhar Karkhana Limited V/s. CIT and CIT V/s. Shri Chatrapati Sahakari Sakhar Karkhana Limited reported in [2004] 270 ITR 1 (SC) as followed by this Court in the case of CIT V/s. Malegaon Sahakari Sakhar Karkhana Limited reported in [2005] 279 ITR 19 (Bom).

3. The question of law as formulated in this appeal reads as under :

Whether on the facts and in the circumstances of the case and in law, the Tribunal is correct in deleting the additions made in the assessment order in respect of the following items -

i]	Cane Development Fund	Rs.10,47,052
ii]	Drought Relief Fund	Rs. 61,269
iii]	Small savings	Rs. 2,61,763
iv]	Interest on Kisan Vikas Patra and N.S.C.	Rs. 79,058

4. In view of the aforesaid judgments, insofar as item No.i is concerned, the appeal is remanded back to the Tribunal for denovo consideration in accordance with law.

4. Insofar as item Nos.ii, iii and iv are concerned, they are to be treated as ‘not income in the hands of the assessee’.

5. Impugnmed order, to that extent, is set aside. The appeal is partly allowed. There shall be no order as to costs.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)